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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/622,788	07/21/2003	Joel Pinsky	ZAP-0001	4273
21261	7590	03/29/2006	EXAMINER	
ROBERT PLATT BELL REGISTERED PATENT ATTORNEY P.O. BOX 611467 POMPANO BEACH, FL 33061			QUASH, ANTHONY G	
			ART UNIT	PAPER NUMBER
			2881	

DATE MAILED: 03/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/622,788

Applicant(s)

JOEL PINSKY

Examiner

Anthony Quash

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Specification

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3-4,6-9,11-15,17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hylton [4,806,770] in view of Ritter [4,888,487]. With respect to the claims, Hylton [4,806,770] teaches a sanitizing apparatus comprising a body for accepting at least one item to be sanitized, the body containing at least one germicidal lamp, a removable cap, removably attached to the body, the removable cap provided with at least one orifice to accept the item to be sanitized, and a cylindrical cup (which the examiners recognizes as being equivalent to the removable drip cup claimed in applicant's claims). See Hylton [4,806,770] abstract, figs. 1-2, col. 2 lines 1-7, 15-22, 35-45, 55-60, col. 3 lines 5-10, 24-26, 40-50, 60 – col. 4 lines 25, 60-65, col. 5 lines 20-30. However, Hylton [4,806,770] does not explicitly teach the removable cap having at least one extended member for extending into the body of the sanitizing apparatus, a

cutoff switch in the body of the sanitizing apparatus coupled to at least one extended member of the removable cap, such that when the removable cap is removed, the at least one germicidal lamp is extinguished, a control circuit, coupled to the germicidal lamp, for controlling actuation of the germicidal lamp such that, once activated, the germicidal lamp is activated for a first predetermined time period, and then shut off for a second predetermined time period. Ritter [4,888,487] does teach the removable cap having at least one extended member for extending into the body of the sanitizing apparatus, a cutoff switch in the body of the sanitizing apparatus coupled to at least one extended member of the removable cap, such that when the removable cap is removed, the at least one germicidal lamp is extinguished, a control circuit, coupled to the germicidal lamp, for controlling actuation of the germicidal lamp such that, once activated, the germicidal lamp is activated for a first predetermined time period, and then shut off for a second predetermined time period. See Ritter [4,888,487] abstract, figs. 1-5, col. 1 line 50 – col. 2 lines 5, 33 – col. 3 line 55, col. 4 lines 1-40, col. 5 lines 10-17, 45-60. In addition, Ritter [4,888,487] teaches the timer being programmable, so that the lamp irradiates the toothbrushes intermittently for predetermined periods (this the examiner views as being equivalent to the applicant's claims concerning the lamp being activated for a first predetermined time period, and then shut off for a second predetermined time period). See Ritter [4,888,487] abstract, figs. 1-5, col. 1 line 50 – col. 2 lines 5, 33 – col. 3 line 55, col. 4 lines 1-40, col. 5 lines 10-17, 45-60. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have a removable cap having at least one extended member for extending

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into the body of the sanitizing apparatus, a cutoff switch in the body of the sanitizing apparatus coupled to at least one extended member of the removable cap, such that when the removable cap is removed, the at least one germicidal lamp is extinguished, a control circuit, coupled to the germicidal lamp, for controlling actuation of the germicidal lamp such that, once activated, the germicidal lamp is activated for a first predetermined time period, and then shut off for a second predetermined time period in order to prevent the user from being exposed to the ultraviolet radiation should the cap be lifted during a burn cycle, and to prevent premature degradation of the bristles on the toothbrush as taught in Ritter [4,888,487].

Claims 2,10,20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hylton [4,806,770] in view of Ritter [4,888,487] and further in view of Lackey [4,973,847]. As per claims 2,10, Hylton [4,806,770] in view of Ritter [4,888,487] teach all aspects of the claims, except for explicitly stating a safety rod, slidably mounted within the body of the apparatus, the safety rod coupling the cutoff switch with at least one of the at least one extended member of the removable cap. Lackey [4,973,847] does teach a safety rod, slidably mounted within the body of the apparatus, the safety rod coupling the cutoff switch with at least one of the at least one extended member of the removable cap (Lackey [4,973,847] fig. 8, col. 7 lines 35-65). Also see Lackey [4,973,847] abstract, figs. 1-8, col. 2 lines 40-68, col. 3 line 15-30,55-65, col. 7 lines 25 - col. 8 line 30. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have a safety rod, slidably mounted within the body of the apparatus, the safety rod coupling the cutoff switch with at least one of the

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at least one extended member of the removable cap in order to aid in preventing the from being exposed to the ultraviolet radiation. In addition, Lackey [4,973,847] teaches that it was well known in the art to have a safety rod, slidably mounted within the body of the apparatus, the safety rod coupling the cutoff switch with at least one of the at least one extended member of the removable cap. See Lackey [4,973,847] col. 7 lines 35-50.

Claims 1,3-9,11-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hylton [4,806,770] in view of Foster [5,023,460] and further in view Ritter [4,888,487]. With respect to the claims With respect to the claims, Hylton [4,806,770] teaches a sanitizing apparatus comprising a body for accepting at least one item to be sanitized, the body containing at least one germicidal lamp, a removable cap, removably attached to the body, the removable cap provided with at least one orifice to accept the item to be sanitized, and a cylindrical cup (which the examiners recognizes as being equivalent to the removable drip cup claimed in applicant's claims). See Hylton [4,806,770] abstract; figs. 1-2, col. 2 lines 1-7, 15-22, 35-45, 55-60, col. 3 lines 5-10, 24-26, 40-50, 60 – col. 4 lines 25, 60-65, col. 5 lines 20-30. However, Hylton [4,806,770] does not explicitly teach the removable cap having at least one extended member for extending into the body of the sanitizing apparatus, a cutoff switch in the body of the sanitizing apparatus coupled to at least one extended member of the removable cap, such that when the removable cap is removed, the at least one germicidal lamp is extinguished, a control circuit, coupled to the germicidal lamp, for controlling actuation of the germicidal lamp such that, once activated, the germicidal

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lamp is activated for a first predetermined time period, and then shut off for a second predetermined time period. Foster [5,023,460] does teach a removable cap, a cutoff switch in the body of the sanitizing apparatus, such that when the removable cap is removed, the at least one germicidal lamp is extinguished, a control circuit, coupled to the germicidal lamp, for controlling actuation of the germicidal lamp such that, once activated, the germicidal lamp is activated for a first predetermined time period, and then shut off for a second predetermined time period. See Foster [5,023,460] abstract, figs. 1-2,4, col. 1 lines 25-42,55-68, columns 2-3, col. 4 lines 1-30. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have a removable cap, a cutoff switch in the body of the sanitizing apparatus, such that when the removable cap is removed, the at least one germicidal lamp is extinguished, a control circuit, coupled to the germicidal lamp, for controlling actuation of the germicidal lamp such that, once activated, the germicidal lamp is activated for a first predetermined time period, and then shut off for a second predetermined time period in order to prevent user from accidentally being exposed to the ultraviolet radiation upon opening the cap and prevent the premature degradation of toothbrush bristles by excess irradiation by the ultraviolet lamp. However, Foster [5,023,460] does not explicitly state the removable cap having at least one extended member for extending into the body of the sanitizing apparatus to be connected to the cutoff switch/function as the cutoff switch. Foster [5,023,460] does however, teach a switch being connected to the cover/cap in order to turn off the lamp when the cover/cap is removed from the body and turn on the lamp when the cover/cap is on the body. See

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Foster [5,023,460] fig. 1, col. 2 lines 50-55: It is the examiner's view that this infers a member being attached to the cover/cap so the when the body and the cap are in contact the lamp is turned on and when they are not in contact the lamp is turned off. Ritter [4,888,487] is provided as an example to illustrate this point. See Ritter [4,888,487] fig. 2, col. 3 lines 30-45, col. 4 lines 24-35.

In addition, Foster [5,023,460] teaches a timer being used which irradiates the toothbrushes cyclically at predetermined times while the cap/cover is in contact with the body. See Foster [5,023,460] col. 1 line 55 – col. 2 lines 5,50-55. Foster [5,023,460] also teaches there being a removable drip collector (76), a step (98) being provided for supporting the bottom of electric toothbrush heads (which the examiner recognizes as fulfilling the same function as applicant's peg, which is to provide support for electric toothbrush heads as described in applicant's specification, Foster [5,023,460] figs. 2,4, col. 4 lines 4-12). With respect to applicant's claim concerning the peg being removable, it is the examiner's view that this would have been obvious to one having ordinary skill in the art at the time the invention was made to have the step be removable, since it has been held that constructing a former integral structure in various elements involves only routine skill in the art.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent Nos. 4,816,648 to Dusbabek, 5,126,572 to Chu,

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3,748,094 to J.P. Scheidell, 3,820,251 to Abernathy, 4,088,445 to Ellis, and 5,029,252 to Ameseder are considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Quash whose telephone number is (571)-272-2480. The examiner can normally be reached on Monday thru Friday 9 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John R. Lee can be reached on (571)-272-2477. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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3/15/06


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